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April 30, 2015

By ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1105
New York, NY 10007

USDC SDNY
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Re: *United States v. Wells Fargo Bank, N.A. et al., No. 12-CV-7527 (JMF)*

Dear Judge Furman:

Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) respectfully writes on behalf of all parties in accordance with the Court’s direction during the April 27, 2015 discovery conference to inform the Court that all parties conferred on April 29, 2015 and have reached the below agreement with respect to the particular Wells Fargo and Mr. Lofrano Rule 30(b)(6) Notice topics addressed at the hearing:

1. With respect to Wells Fargo’s 30(b)(6) topics 1(b), 2, and 4(b), in lieu of Government Rule 30(b)(6) designee testimony, the parties will attempt to agree on a stipulation of facts addressing HUD and/or HUD-OIG’s knowledge resulting from certain identified audits or reviews and information available contemporaneously within the agency’s records and systems. Wells Fargo is in the process of drafting stipulated language for the Government’s consideration and execution and expects to provide those draft stipulations to the Government no later than May 1, 2015. In the event that the parties cannot agree on the stipulated language on some or all of these topics by May 8, the Government has agreed to designate witnesses to address those remaining topics (as narrowed by agreement of the parties, if necessary, or by the Court) and make them available for deposition during the week of May 11, 2015, prior to the May 15 fact discovery deadline.

2. With respect to Wells Fargo’s 30(b)(6) topics 5(a)–(d), 12, and the first half of topic 13, the Government will endeavor to create charts or summary documents depicting the requested information in the form requested, along with stipulations as to (a) what the data

Fried, Frank, Harris, Shriver & Jacobson LLP

Honorable Jesse M. Furman
Page 2

reflect, (b) any definitions used in the charts or summary documents, and (c) the specific sources of the information, whether documents or individuals. To the extent the Government is not able to provide the requested information with respect to some or all of the topics by May 6, 2015, the Government will, at that time, describe to Defendants why the information is not readily available and the efforts it undertook in attempting to respond. To the extent that a dispute remains over the sufficiency of the information furnished by the Government on these topics, and the parties are unable to reach agreement on alternative discovery methods to obtain the requested information, Wells Fargo will notify the Court on or before May 8, 2015, so that sufficient time remains to resolve the dispute within the fact discovery period.

3. With respect to Mr. Lofrano's 30(b)(6) topics 16, 17, and 18, the Government will treat those topics as interrogatories and provide verified answers identifying individuals, along with their relevant positions within HUD or HUD-OIG and the approximate dates when they held those relevant positions. The Government will provide these answers no later than May 15, 2015.

4. With respect to the remaining topics in Defendants' Rule 30(b)(6) Notices, the Government is identifying designees and arranging for their deposition during the weeks of May 4 and May 11, 2015.

The parties reserve their rights to seek further intervention from the Court on this matter.

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP

By: /s/ Douglas W. Baruch
Douglas W. Baruch, *pro hac vice*
Jennifer M. Wollenberg, *pro hac vice*

Attorneys for Wells Fargo Bank, N.A.

SO ORDERED. The Court commends the parties on their ability to cooperate in finding a solution to their disputes, and encourages them to maintain that spirit of cooperation in resolving any additional disputes that arise in the lead up to closure of fact discovery.



April 30, 2015